

Broadcast Localism Proceeding MB Docket No. 04-233

UNC-TV Position Statement on Proposed Localism Rules

UNC-TV appreciates the efforts of the Commission to foster more and better local programming. However, we believe the proposed rules will fail to achieve the desired results, and the quality and quantity of local programming will be significantly diminished. For the reasons stated below, UNC-TV opposes the adoption of these rules.

Background

UNC-TV is an 11-station (soon to be 12-station) statewide public television network serving the people of North Carolina since 1955. Founded as WUNC-TV by a small group of visionary leaders from the University of North Carolina and the private sector, it was the tenth noncommercial “educational television” station in the country. From this modest beginning, a dynamic and robust public television service has developed, bringing national programming from PBS and a variety of other sources and more than 419 hours a year of original productions to all 100 counties of the state 24 hours a day, seven days a week. Today UNC-TV not only broadcasts its original channel in both analog and digital formats, it provides North Carolinians with four additional channels of all-digital programming. Specifically, UNC-KD is a full-time children’s channel, UNC-NC is dedicated to programming about North Carolina, UNC-HD features all high-definition content in prime time, and UNC-ED remains true to UNC-TV’s roots in bringing educational content to viewers across the state. In addition, UNC-TV provides educational outreach services and, increasingly, online video content to the citizens of North Carolina.

FCC Intent

Clearly, the laudable intent behind the FCC’s proposed rules is to encourage broadcasters to provide more information to the public about their operations, to better educate the public about broadcasters’ obligations, and to invite feedback from the public about how broadcasters are meeting the needs of their local communities.

Educating the public and being responsive to community needs and the public interest are core principles of public broadcasting as codified by the Communications Act. These proposed rules burden those broadcasters who are already doing the best job meeting the goals that the rules are designed to foster. The scheme devised by the FCC is not narrowly tailored to encourage broadcasters

to reach out to their communities for guidance and input on how best to serve those communities, but instead creates a redundant regulatory process that will impede real dialog in favor of “jumping through hoops” to satisfy regulators who will be so buried by excessively voluminous data so as to be unable to use it in any constructive way.

UNC-TV believes the real world effect of these proposed rules will be exactly the opposite of what the FCC is trying to accomplish. They will diminish the meaningful community outreach practiced by noncommercial broadcasters in favor of spending personnel, legal, and financial resources to meet unnecessary regulatory requirements.

Affiliate Review of Network Programming

As a public television entity, UNC-TV is not part of a “network.” We are, however, a member of PBS. Public TV already has a process in place to alert stations to potentially problematic language or content, and in cases where the content is likely to be problematic in some markets, stations do get a chance at an early screening. We believe this case-by-case basis works well.

Nevertheless, if the proposed rules require ALL programming to be delivered early, that puts a significant burden on local station staffs that would have to screen the programming. The rule would also raise many questions about timing, logistics, staffing, and liability. For example, for public broadcasters that distribute a program guide, the previews would have to be fed four or five weeks before the first of the month in which the program was to air in order to catch program guide deadlines. To have stations review each and every program before it airs imposes significant costs on stations for little benefit.

The other issue in this potential rule is that what is acceptable in one community may not be in another community. Such a rule would shift the burden to local programmers to make subjective, arbitrary decisions about program content, but it would not address the greater problem created by the Commission’s unpredictable approach to enforcement of indecency rules.

Community Advisory Boards

Creating a one-size-fits-all regulatory scheme will diminish the meaningful community outreach already practiced by many broadcasters, in particular noncommercial broadcasters, and will fail to address the diverse needs and interests of local communities. The process of selecting a community advisory board invariably leaves some constituency out. UNC-TV believes that allowing stations to tailor their own community outreach efforts to the specific needs of their

communities is inherently more effective than forcing all broadcasters to seek input from the community using the same method and structure.

For example, UNC-TV has a permanent customer care staff that receives phone, letter, and e-mail inquiries, comments, and suggestions from the public, and the public has a toll-free number and e-mail address available to them. Our contact information is noted in our monthly program guide that is sent to approximately 75,000 households around the state. We post a production proposal form on our Web site and review production ideas from the public on a weekly basis. In addition, UNC-TV has several e-mail addresses available for the public to send comments about specific UNC-TV services, such as our educational services and kids' services.

Further, UNC-TV collects information from the public at events we participate in, including two state fairs, and from callers during our pledge drives. Our director and general manager is visiting each of the 100 county managers in North Carolina to discuss county issues and ideas for stories that can be addressed in our local productions. Staff members provide speeches to community groups throughout the state and receive information and feedback through this activity. While providing workshops and attending in-state conferences, our outreach staff receives information and feedback from the public. Our production staff travels the state and receives ideas directly from the public. Three to four times a year, we have a live on-air call-in segment called **Ask UNC-TV** that provides viewers an opportunity to call in and ask questions and provide feedback about any aspect of UNC-TV.

Finally, the Public Broadcasting Act already requires all public television licensees, other than states and their political or special purpose subdivisions, to have community advisory boards in order to receive CPB grants. UNC-TV is a state licensee and, therefore, is not required to have an advisory board; however, state law has established a Board of Trustees that serves in advisory capacity concerning UNC-TV's activities. Further, appropriations from the North Carolina General Assembly are directly tied to UNC-TV's fulfillment of its responsibility to serve the needs and interests of communities throughout the state of North Carolina. For the FCC to require public television broadcasters to establish separate community advisory boards would be redundant and excessive in the extreme.

Programming Guidelines for License Renewal

This proposed rule contemplates the types and amounts of programming—including news, public affairs, and local political coverage—that might be required and incorporated into a license renewal process. Such requirements would displace local interests, standards, and controls that have been developed over time by broadcasters and the communities they serve. Further, the reporting requirements

inherent in such a regulatory scheme will divert valuable time and effort away from actually producing responsive, meaningful local programming.

Individual broadcasters, and in particular public broadcasters, are perfectly capable of determining the types of programming they need to be responsive to their local communities and audience and do not need prescriptive, arbitrary requirements established by FCC personnel who do not work or live in their communities. In fact, as noted above, public broadcasters existence is predicated on addressing the needs of their communities of license. This dedication to the public interest is not only part of the public television culture but is codified in federal and state enabling legislation that establishes and governs the public television system.

Remote Station Operation

UNC-TV currently operates all of its transmitters by remote control from a central location which is monitored 24/7. We insert local emergency information at each transmitter site in compliance with the EAS rules and the North Carolina State EAS Plan. We would be severely challenged to not use remote control and be required to operate each transmitter locally. We estimate that we would need 66 additional employees statewide to fulfill the FCC's proposed requirement with an estimated annual increase in payroll expenses in excess of three million dollars. This number reflects payroll expenses only. There would also be other significant infrastructure-related expenses.

UNC-TV believes that small broadcasters, particularly public broadcasters in smaller markets, simply may not be able to bear the extra cost of additional staffing to maintain overnight operations. If a station is off the air, there is no opportunity to inform the public about an emergency. Surely, the FCC cannot intend to impose such an extraordinary financial burden on broadcasters when the technology exists and is in use to meet the stated goal in regards to the dissemination of emergency information.

Main Studio Rule

As noted above, UNC-TV is a multi-station statewide public television network. Requiring the location of a station's studio within its city of license creates an arbitrary requirement that has little to do with the real service provided by broadcast stations. This burden also ignores the infrastructure and business decisions made over the last 20 years in reliance on the FCC's 1987 repeal of a similar regulation.

Most stations provide important services to multiple communities in addition to their community of license. The efficiencies realized by not having to maintain separate studios at each transmitter site have allowed UNC-TV to produce over 400

hours of local programming for and about North Carolina in the past year alone. Reversion to the archaic Main Studio Rule would be a monument to inefficiency and redundancy and would be catastrophic to public broadcasters nationwide. The cost to fulfill this requirement could run into tens of millions of dollars.

Conclusion

The imposition of these regulations to the noncommercial broadcasting community is particularly onerous. Their adoption will impede the very community outreach and improved local programming goals the Commission is seeking to encourage. Public television's very existence is predicated on a commitment to educate the public and be responsive to community needs. Increasing the financial, regulatory, and infrastructure burdens placed on broadcasters, especially noncommercial broadcasters, at the federal level under the guise fostering more responsiveness to their local communities is counterintuitive and will fail to achieve the desired results.